

# Current Bill Status – Surviving Bills

May 1, 2001

**HB1001**  
**ATOD/TS**  
**State Budget**  
**B Bauer, W Cochran**  
**S: R Meeks, V Simpson**  
**Ways and Means**  
**S: Finance**

Appropriates state money for the biennium beginning July 1, 2001 and ending June 30, 2002. Includes provisions regarding use of the tobacco settlement funds. *Amendments made in committee and passed out, 24-1. Amended at 2<sup>nd</sup> reading and passed 3<sup>rd</sup> reading, 81-18. Senate sponsors: Sens. R Meeks and V Simpson. I have read half way through this bill and found that provisions from HB1842 and other bills have been added to HB1001. Several of these relate to the tobacco settlement account. Bill referred to Senate Finance Committee. Amended in committee, it was passed out 10-5. It was amended at 2<sup>nd</sup> reading. Provisions for tobacco control include \$30 million for two years in the House version and \$40 million for two years in the Senate version. Both versions provides \$20 million over two years for substance abuse treatment. This bill passed the Senate, 32-17. The conference committee has been meeting daily this week to work out differences and to arrive at one proposal both houses can agree to. The provisions for addictions treatment has been deleted from both versions and erosion of current funding levels has been threatened. In order to meet the state's needs, one of the Governor's proposals is to increase the cigarette tax by 50 cents. Deliberations continue on the state budget. The conferees are: Representatives Bauer and Espich and Senators Meeks and Simpson. The advisors are: Representatives Cochran, Harris, Buell, and Turner; Senators Borst, Johnson, Skillman, Kenley, Alexa, Blade, and Hume.*

**HB1007**  
**TS**  
**Speed Limits.**  
**B Hasler, V Becker, T Goodin**  
**S: S Landske**  
**Roads and Transportation**  
**S: Transportation and Interstate Cooperation**

Speed limits. Makes it a Class B infraction (subject to a maximum civil judgment of \$1,000) instead of a Class C infraction (subject to a maximum civil judgment of \$500) for a person to violate a speed limit that is imposed in the immediate vicinity of a work site when workers are present. Provides that with the approval of the department of transportation, a person may drive a vehicle a maximum of sixty miles per hour on a highway, and a maximum of seventy miles per hour on a highway on the national system of interstate and defense highways, with certain exceptions. *Introduced this legislation proposed increased fines for speeding through work sites; however, a 2<sup>nd</sup> reading Rep Wolkins offered an amendment which allows the speed limits to be increased "with the approval of the department of transportation." The amended bill passed the House, 93-2. Senate sponsor is Sen. S Landske. Assigned to Senate Transportation and Interstate Cooperation Committee. The provision for increasing the speed limit was removed in committee. The amended bill passed out, 7-0. This bill passed the Senate, 48-0. It has been returned to the House with amendments. The author and the House concurred, 79-16. This bill is on its way to the Governor's desk.*

**HB1084**  
**ATOD**  
**Curfew for Minors.**  
**D. Cheney, R Foley, P Pond, J Thompson, K Kruse**  
**S: D Ford, T Lanane, L Kenley**  
**Public Policy, Ethics & Veterans Affairs**  
**S: Judiciary**

Makes additional defenses available to a child who is cited for a curfew violation, including engaged in an activity protected by federal or state law, including conduct involving the free exercise of religion, freedom of speech, and the right of assembly. Specifies that unless necessary to protect a child or the community, a law enforcement officer detaining a child for a curfew violation shall make a good faith effort to release the child to the child's parent, guardian, or custodian. *This measure is one step for Indiana's graduated licensing law qualifying for federal transportation funds. It passed both Houses and has been signed by the House Speaker and Senate's President Pro Tem. It is on its way to the Governor's desk.*

**HB1207**  
**Mandatory testing of prisoners.**

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**ATOD**

**Wm Crawford**

**S: P Miller, B Breaux**

**Courts and Criminal Code- Public Health**

**S: Judiciary**

Mandatory hepatitis C and HIV testing of prisoners. Provisions include requirements for the department of correction to file an annual report regarding certain statistical information regarding hepatitis C and HIV tests with the executive director of the legislative services agency and that consent of the individual tested is not required. (The introduced version of this bill was prepared by the corrections matters evaluation committee.) *Reassigned to the Public Health Committee. Heard in committee and passed out 11-0. This bill passed out of the House, 96-0. Senate sponsors are Senators Miller and Breaux. It is referred to the Senate Judiciary Committee. The bill was passed out committee, 8-0. It passed 3<sup>rd</sup> reading in the Senate, 49-0, and was referred to the House without amendments. This bill is on its way to the Governor's desk.*

**HB1578**

**State tax administration and motor vehicles.**

**TS**

**W. Cochran, J Denbo**

**S: V Simpson, C Sipes**

**Ways and Means**

**S: Finance**

Contains several provisions including that a driver who commits certain serious traffic violations related to railroad crossings while operating a commercial motor vehicle is disqualified from driving such a vehicle for specified periods. *Amendments made in committee and passed 22-1. Amended at 2<sup>nd</sup> reading and passed. This bill passed out of the House, 97-0. Senate sponsors are Senators V Simpson and C Sipes. This bill has been referred to the Senate Finance Committee. This bill is scheduled for a hearing on March 29<sup>th</sup>. This bill was amended and passed committee, 15-0. The amendments were provisions regarding tax credits for historic preservation and rehabilitation. Amendments pertaining to charitable gaming were made at 2<sup>nd</sup> reading. Co authors were added: Representatives J Espich and S Crosby. The bill passed the 2<sup>nd</sup> house, 49-0. Returned to the House, the author and House concurred with the changes, 85-2. This bill is now on its way to the Governor.*

**HB1618**

**Blood and breath alcohol concentrations.**

**ATOD**

**P Welch, C Brown, T Brown, T Goodin, Wm Ruppel, D Kruse, P Turner**

**S: T Wyss, S Landske**

**Public Policy, Ethics and Veterans Affairs**

**S: Public Policy**

Reduces the 0.10% to 0.08% the percentage of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute prima facie evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated. Reduces the range of percentages of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute relevant evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated from at least 0.05% but less than 0.10% to at least 0.05% but less than 0.08%. Makes conforming amendments. *Commission/Council recommendation. Several co-authors added. Passed the House, 89-6. Sen. Wyss is the Senate Sponsor for this bill and it has been assigned to the Senate Public Policy Committee. This bill was heard in committee and two amendments were made. One amendment removed the deferral provisions for .08 and .09 per se BACs. The second amendment clarified Indiana's DUI standard penalty so that per se offense and no proof of endangerment garners a Class C misdemeanor while demonstrating dangerous driving becomes a Class A. The bill passed out of committee, 8-3. The bill is ready for 2<sup>nd</sup> reading. Sen. Sue Landske has been assigned as a Senate Co-sponsor. HB1618 passed the second house, 41-8. It returned to the House with amendments. Rep P Welch concurred with those changes April 19<sup>th</sup>. The bill is on its way to the Governor's desk for signing.*

**HB1781**

**Alcohol and controlled substances.**

**ATOD**

**E Harris, R Kuzman, G Porter, T Goodin**

**S: S Landske, R Antich, E Rogers**

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## Courts and Criminal Code

### S: Judiciary

Specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol and or a controlled substance. Requires a person to pay the \$200 alcohol and drug countermeasures fee if: (1) the person is found to have committed the offense of operating a tractor-trailer combination or other vehicle recklessly and the person's offense involved the use of alcohol or a controlled substance; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier and the person's offense involved the operation of a vehicle. Removes a provision that requires a person's driving privileges to be suspended by a court or the bureau of motor vehicles before the person is required to pay the alcohol and drug countermeasures fee. *Amended to cover "crimes, infractions, and delinquent acts" in committee and passed out of committee, 11-0. Corrective amendments were made and accepted at 2<sup>nd</sup> reading. Passed out of the House, 96-1. The Senate Sponsors are Sens. Landske, Antich, and Rogers. The bill has been assigned to Senate Judiciary Committee. Rep. Goodin was added as a House co-author. This bill was heard in committee. Questions were raised and it was tabled to consider possible amendments. This bill was heard in committee and amended. It was passed out, 6-0. This bill passed the Senate, 47-1. It was returned to the House with amendments. The House concurred, 88-1. This bill is on its way to the Governor's desk.*

**HB1813**

### **Mental health**

**ATOD**

**S Crosby, C Brown, G Goeglein**

**S: S Johnson, M Blade, V Simpson**

### **Public Health**

### **S: Health & Provider Services**

Changes the name of the division of mental health to the division of mental health and addiction. Amends the definition of "managed care provider." *Rescheduled hearing in committee on February 14<sup>th</sup>. Co-authors added: Reps C. Brown and G. Goeglein. Hearing rescheduled again for February 20<sup>th</sup>. Amended in committee and passed, 11-0. Added provisions require DMH to establish standards for continuum of care for providers and prohibit DMH to enter a contract with providers not currently under contract. A minor amendment accepted at 2<sup>nd</sup> Reading. The bill passed out of the House, 93-0. The Senate sponsors are Senators M Blade, V Simpson, and S Johnson. This bill was assigned to the Senate Health and Provider Services Committee. This bill was heard in committee, amendments made, and passed out, 9-0. The bill passed its second house, 48-0. Referred with amendments to its first house, the House concurred with the changes, 85-1. This bill is on its way to the Governor's desk.*

**HB1892**

### **Methamphetamines**

**ATOD**

**M Dvorak, B Hasler, J Weinzapfel, D Yount**

**S: R Bray, Wm Alexa, J M Clark**

### **Courts and Criminal Code**

### **S: Judiciary**

Makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine and narcotic drug. Makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine. Permits a law enforcement agency to dispose of chemical waste used in the production of illegal drugs. Imposes a class D felony for the dumping of chemical drug waste. Creates penalties for possessing anhydrous ammonia. Creates a defense for a person charged with a felony drug offense that is elevated because the person was within 1,000 feet of school property, public park, family housing complex, or youth program center. *ISP/ Commission recommendation. This bill will become the methamphetamine omnibus bill for the Governor's office. Testimony was first heard in committee on Jan 31. The chair appointed Rep. S Mellinger to convene a subcommittee to compile an inclusive proposal for a hearing scheduled on February 14<sup>th</sup>. The Committee accepted the report and amended bill, passing it out 12-0. The bill passed out of the House, 94-0. The Senate sponsors are: Sens. R Bray and Wm Alexa. This bill has been assigned to Senate Judiciary Committee and is scheduled for a hearing on Wednesday, March 14<sup>th</sup> at 9 am in Statehouse Room 130. The bill was heard in committee and passed out. The bill was amended at 2<sup>nd</sup> reading; the amendment reduced transporting, using, etc.*

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*anhydrous ammonia for the manufacture of methamphetamines to a Class A misdemeanor from a Class D felony. This bill was passed out of the Senate, 49-0. It has been referred to the House for concurrence from the House author on the amendments added in the Senate. The House concurred with the Senate changes, 92-0. The Governor signed this bill into law on April 17<sup>th</sup>.*

**SB067**

**ATOD**

**TS**

**Definition of minimum sentence.**

**R Meeks, Wm Alexa**

**H: M Dvorak, R Ayres, J Weinzapfel, R Foley**

**Judiciary**

**H: Courts & Criminal Code**

Definition of minimum sentence. Eliminates a mathematical error in the definition of "minimum sentence" by changing the definition of "minimum sentence" for murder from 30 years to 45 years and by changing the definition of "minimum sentence" for a Class D felony from one year to one-half year. Provides additional sentencing options for nonviolent drug felony offenders. Provides that nonviolent drug felonies may not be used to classify an offender as a habitual offender. Allows a court to reduce the minimum term of imprisonment for a habitual substance offender if the only offenses that the offender committed were nonviolent criminal acts. Prohibits the department of correction, county jails, community corrections facilities, and juvenile detention facilities and centers from profiting financially from providing telephone service to confined offenders. Describes the duties of the board of correction. Voids bylaws adopted by the board of correction before October 1, 1980. *This bill provides for additional sentencing options for nonviolent drug offenders. The bill passed both houses. It is now in conference committee. The conferees are: Senators Alexa and Meeks and Representatives Dvorak and Murphy. The House advisors are Representatives Ayres, Mellinger and Weinzapfel.*

**SB096**

**ATOD**

**Alcoholic beverage retail permits.**

**Ron Alting**

**H: R Kuzman, R Alderman**

**Governmental and Regulatory Affairs**

**H: Public Policy, Ethics and Veterans Affairs**

Provides that in the case of a municipal annexation, the alcoholic beverage commission may only reclassify a retailer's permit in the former unincorporated territory as a permit inside the municipality if the permittee has actually conducted a retail business at the site for two consecutive years. *Bill scheduled for a hearing on February 14<sup>th</sup>. Passed out of Senate, 48-0. House sponsor is Rep. Kuzman. House co-sponsors: Rep. R Alderman. This bill's assignment is the House Public Policy, Ethics and Veterans Affairs Committee. SB96 was heard and had portions of HB1638 and HB1455 amended into it. These include the name change for the alcoholic beverage commission to alcohol and tobacco commission along with other provisions that improve the enforcement of tobacco sales to minors and signage. Provisions also put into SB96 are to allow 19-20 year olds to serve alcohol in restaurants and to allow internet alcohol sales. This bill is going to conference committee. The conferees on this bill are: Representatives Kuzman and Alderman and Senators Alting and Rogers. The House advisors are Representatives Dobis and Duncan. At conference committee, the bill was returned to its introduced version. All the alcoholic beverage provisions were amended into HB1585 in conference committee. The pieces now in HB1585 are "primary source revisions" addressing alcoholic beverage commission functions including increasing permit fees for the first time in 50 years, bringing excise police salaries to parity with other state law enforcement agencies, tobacco enforcement and signage, allowing church 200 ft waiver for permits, and increasing penalties for false ids. Other provisions from the industry include the beer distributor permit issue from SB8, 19-20 year old servers from HB1455, and wine sales on the internet. The conferees agreed to provide mandatory training for 19 and 20 year old servers in restaurants only, mandatory server training for their supervisors, preparation for mandatory server training requirement for all permits by 2002.*

**SB131**

**TS**

**Motor vehicles.**

**J Lewis, H Wheeler, B Skillman, A Craycraft**

**H: M Lytle, M Budak**

**Judiciary**

**H: Courts and Criminal Code**

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Removes provisions under which a newly purchased motorboat may not be used on Indiana waters while its registration is pending unless the operator has in the operator's possession a validated receipt from the bureau of motor vehicles showing that the purchaser has made application for registration of the motorboat.

Provides that a vehicle may be stopped for a possible safety belt violation if reasonable suspicion exists.

Prohibits the search or detention of a vehicle and its contents, the driver, or a passenger solely because of a safety belt violation. Repeals existing statute concerning stopping a vehicle to determine compliance with the safety belt law. (The introduced version of this bill was prepared by the natural resources study committee.)

An amendment to this bill rewrites the probable cause section of Indiana's primary enforcement seatbelt law in order to clarify it; it does not change the intention. The bill is in conference committee. The conferees are Senators Wheeler and Lewis and Representatives Lytle and Mannweiler. The House advisors are Representatives Alderman and Sturtz.

### **SB270**

**ATOD**

#### ***Biomedical technology and research trust fund.***

**L Borst, V Simpson**

**H: C Brown**

**Finance**

**H: Public Health**

Deletes an incorrect statement of the purpose of the fund. *Passed out of the Senate, 49-0. Sen. Simpson added as co-author. House sponsors: Rep. C Brown. This bill has been assigned to the House Public Health Committee. This bill is scheduled for a hearing on Tuesday, March 20 at 10 am in the House Chambers. The bill was passed out of committee, 13-0. It has passed 2<sup>nd</sup> reading. This bill passed the House, 92-0. It was returned to the Senate without amendments.*

### **SB280**

**ATOD**

#### ***Methadone clinic moratorium.***

**P Miller, C Sipes**

**H: C Brown, D Frizzell**

**Health and Provider Services**

**H: Public Health**

Extends the state imposed moratorium on methadone clinics until July 1, 2003. Eliminates the reporting requirements imposed on the division of mental health regarding methadone providers. *Heard in committee on January 24<sup>th</sup>, passed with amendment 11-0, and passed the Senate, 49-0, on Jan 30<sup>th</sup>. The House sponsors: Rep C Brown and D Frizzell. This bill was assigned to the House Public Health Committee. It is scheduled for a hearing on Tuesday, March 20 at 10 am in the House Chambers. This bill was passed out of committee. It passed the House, 88-0. It was returned to the House without amendments. This bill is ready to go to the Governor's desk.*

### **SB466**

**TS/ATOD**

#### ***Implied Consent***

**W Alexa, T Wyss**

**H: M Dvorak, D Young**

**Public Policy**

**H: Courts and Criminal Code**

Requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body. *Heard in committee on February 13<sup>th</sup> and passed out, 10-0. Bill passed 2<sup>nd</sup> reading. Passed out of the Senate, 40-9. This bill was amended in its House committee to allow a "portable breath test" suffice when the results indicate no presence of alcohol. The bill passed committee. The bill passed the second house, 88-1. It was referred to the first house with amendments. The author dissented with changes made in the House. The conferees are Representatives Dvorak and D. Young and Senators Alexa and Wyss. The advisors are Representatives Kuzman and Ayres. A conference committee meeting is scheduled for April 26<sup>th</sup>.*

### **SB506**

**TS/ATOD**

#### ***Court ordered drug and alcohol programs***

**T Wyss, W Alexa**

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**H: M Dvorak, G Goeglein**

**Public Policy**

**H: Courts and Criminal Code**

Court ordered drug and alcohol programs. Increases the fees that may be charged for participation in court ordered alcohol and drug programs. Permits the board of directors of the judicial conference to adopt rules governing the certification, operations, and employee qualifications for court alcohol and drug services programs. *Indiana judicial center recommendation endorsed by the Inter Agency Council on Drugs. This bill passed out of committee, 8-0. The bill passed out of the Senate, 48-1. This bill was heard and amended in committee. It passed, 11-1. This bill passed its second house, 82-7. Its first house concurred with the changes, 45-0. This bill is on its way to the Governor's desk.*